

REMARKS

Claim 53 has been rejected under 35 U.S.C. §112, second paragraph, due to a typographical error. Applicants have amended claim 53 to correct this error.

Claims 1, 7-9, 16-18, 22 and 25-27 have been rejected under 35 U.S.C. §102(b) as being anticipated by Romanko et al. (U.S. Patent 6,484,371). This rejection is respectfully traversed.

The Examiner contends that Romanko discloses "subsequently thermoforming the sheet into a structure having a non-planar topography," directing Applicants' attention to the passage at col. 10, lines 40 - col. 11, line 30, and Figs. 4a-4d. Applicants respectfully submit that neither the passage in question nor the figures discloses thermoforming into a structure having a non-planar topography. Instead, the only mention of thermoforming is at col. 11, line 10, where Romanko mentions that thermoforming may be used to render the hooks non-functional in the thermoformed area. This is consistent with Figs. 4a-4d, which show the thus thermoformed (or otherwise processed) fastener product as being completely planar, with one or more hook-free zones 67 where the hooks have been rendered non-functional. As a result, Romanko cannot anticipate Applicants' claims.

Claim 53 has been rejected as obvious in view of Romanko. Like claim 1, claim 53 requires thermoforming the sheet form base to provide a touch fastener having a non-planar topography. There is no suggestion in Romanko of forming fastener sheets to have non-planar topographies, nor anything that would have led one of skill in the art to consider doing so, and thus the subject matter of claim 53 would not have been obvious in view of Romanko.

Claims 1-27 and 50-53 also remain rejected under 35 U.S.C. §103(a) as being obvious over Tidemann et al. (U.S. Patent No. 5,738,816) in view of Kenny et al. (U.S. Patent No. 5,725,928). This rejection is also respectfully traversed.

Applicants respectfully disagree with the Examiner's position that Tidemann would have suggested to the artisan to thermoform a portion of a sheet-form base having stems integrally molded therewith. The Examiner directs Applicants' attention to col. 6, lines 26-30, where Tidemann states that "cover 120 could be secured to strip portion 102 by a mechanical fastener such as ... a hook and loop fastener (with the hooks being carried by either the cover or the strip

portion and the loops being [carried] by the other.)" The cover is bonded to planar edge surfaces 104, 106 of the strip portion 102, and thus the Examiner is assuming that if the planar edge surfaces carried hooks, the thermoformed pockets 112 would necessarily also carry hooks. The Examiner is also assuming that the artisan would have understood Tidemann to mean that the hooks would be integrally molded on the strip portion 102, rather than being provided by attaching a hook tape to the edge surfaces 104, 106. Applicants respectfully submit that these assumptions are not reasonable, and are not supported by the disclosure of the Tidemann reference. Accordingly, Applicants submit that Tidemann does not disclose thermoforming a portion of a sheet-form base having stems integrally molded therewith, and would not have rendered Applicants' claimed invention obvious to one of ordinary skill in the art at the time the invention was made.

As discussed in Applicants' previous response, Kenny is relied upon for the teaching of a fastener strip that contains a magnetic material and undergoes a molding process. Nothing in Kenny teaches or suggests thermoforming a portion of a sheet form base having stems molded integrally therewith as recited in Applicants' claims. Without such a teaching or suggestion, the references in combination do not support a *prima facie* case of obviousness and the rejection should be withdrawn.

In view of the above, Applicants respectfully request that the rejections under 35 U.S.C. §§ 102(b) and 103(a) be withdrawn.

Applicants may not have addressed each and every position taken by the Examiner, for example statements made regarding points that are presently moot, this does not indicate that the Applicants concede these points or other points not addressed. Applicants reserve the right to address such issues during further prosecution.

It is believed that no fees are due with this submission. Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 05918-320001.

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Respectfully submitted,

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